

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/008,895 Confirmation No. : 5243  
First Named Inventor : Alfred PREUKSCHAT  
Filed : December 7, 2001  
TC/A.U. : 3683  
Examiner : X. Nguyen  
Docket No. : 102792.60600US  
Customer No. : 23911  
Title : Regulated Dashpot with Shock-Absorption Force Controls

STATUS INQUIRY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Examiner inform them of the status of the above-identified patent application. Other than the Revocation and Power of Attorney with new Power of Attorney and the Statement Under 37 C.F.R. § 3.73(b) filed by the undersigned new counsel yesterday, the most recent communication contained in the USPTO image file wrapper is the "Response" submitted by Applicants' previous counsel on October 4, 2007. There have apparently been no further communications since the submission of that document. By way of explanation, Applicants provide the following additional information.

The undersigned counsel has taken over the prosecution of this application from previous counsel, as reflected in the Revocation and Power of Attorney with new power of attorney submitted yesterday, September 4, 2008. From an inspection of the file for this application, it appears that an Appeal Brief was submitted on September 25, 2006. However, by order of July 22, 2007, the Board

of Appeals returned the undocketed appeal to the Examiner, based on its conclusion that the appeal brief incorrectly indicated the status of amendments, in that a document submitted July 12, 2006, referred to in the order as an "After-Final amendment" had not been entered. In addition, the Board of Appeals noted that there was no indication on the record that this document has been considered.

Subsequently, on September 26, 2007, a Notice of Non-Complaint Appeal Brief was mailed, indicating that a corrected "Status of Amendments" portion needed to be submitted. Thereafter, on October 1, 2007, responsive to the Board of Appeals' order that a written communication notifying appellant of the Examiner's consideration of the July 12, 2006 document was required, an Advisory Action was mailed, indicating that the July 12, 2006 document had not been entered.

However, on October 4, 2007, applicants' previous counsel submitted a document captioned "Response", which apparently crossed in the mail with the October 1, 2007 Advisory Action, indicating that the document submitted July 12, 2006, which was designated as a "Supplemental Response" was not an amendment intended to be entered. Further, counsel indicated that the Supplemental Response should be considered as part of the Remarks of the last amendment that was filed. The basis for this position appears to be that the reference numerals, page and figure numbers were provided only to assist the

September 5, 2008

Priority to First Filing

Board of Appeals in reading the claims, and did not constitute a change in the claims themselves, which would have been eligible for entry.

In view of the facts set forth above, applicants' respectfully request that the Examiner review the file for this application and inform them of its status, so that applicants new counsel can determine how best to advance the prosecution of this application.

The undersigned, applicants' new counsel, thanks the Examiner, Ms. Nguyen for her courtesy and assistance in the consideration of this matter during a telephone call on September 5, 2008.

If there are any questions regarding this status inquiry or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 102792.60600US).

Respectfully submitted,

September 5, 2008

  
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